

REMARKS

Claims 42-46 are pending in this application. Claims 1-41 are canceled by this amendment. The specification has been amended according to amendments made in the preceding cases from which this is a continuation and to insert the appropriate continuing data. No new matter has been added.

This application is filed herewith as a continuation application from parent application Serial No. 08/888,438, filed July 7, 1997, for which a response to a final office action, rejecting claims 86 and 112-115, is due February 20, 2004. This continuation application is filed in order to disqualify as prior art USPNs 5,321,109 and 5,468,138 to Bosse et al. (collectively, "Bosse"), assigned to IMPRA, Inc., pursuant to the rules taking effect November 29, 1999. According to MPEP 706.02(l)(1), "the mere filing of a continuing application on or after November 29, 1999, with the required evidence of common ownership, will serve to exclude commonly owned 35 U.S.C. §102(e) prior art that was applied, or could have been applied, in a rejection under 35 U.S.C. 103 in the parent application." MPEP 706.02(l)(2) sets forth that the required evidence for establishing common ownership is satisfied by a statement by the attorney of record. Submitted herewith are copies of the assignment documents in the present case, along with a copy of the Revocation of Prior Power of Attorney and Power of Attorney and Prosecution by Assignee under 37 C.F.R. §3.71, making the undersigned an attorney of record in the present case.

The undersigned hereby states that the present application and Bosse were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, IMPRA, Inc.

Claims 42-46 are identical to claims 86 and 112-115 as pending when rejected in the parent case (in an office action dated April 15, 2003) under 35 U.S.C. §103(a) as being unpatentable over Bosse (claim 115 being rejected over a combination of Bosse and USPN 5,618,300 to Marin et al.). Thus, in view of the above, Bosse should now be unavailable as prior art and, as a result, each of the presently pending claims in this application is believed to be in immediate condition for allowance.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 297912002103. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

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Attachments